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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/826,727

04/05/2001

R. Dennis Nesbitt

P-5500-CP1-D1

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04/30/2004

EXAMINER

DEL SOLE, JOSEPH S

THE TOP-FLITE GOLF COMPANY, A WHOLLY OWNED  
SUBSIDIARY OF CALLAWAY GOLF COMPANY

P.O. BOX 901

425 MEADOW STREET

CHICOPEE, MA 01021-0901

ART UNIT

PAPER NUMBER

1722

DATE MAILED: 04/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/826,727

Applicant(s)

NESBITT, R. DENNIS

Examiner

Joseph S. Del Sole

Art Unit

1722

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 06 April 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 8 is/are rejected.
- 7) ☒ Claim(s) 2-7 and 9-11 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### ***Withdrawn Allowability of Claims***

1. The indicated allowability of claims 1 and 8 is withdrawn in view of the newly discovered reference(s) to Schenk (4,085,937). This reference was found as used to reject claims 1 and 8 in related case PCT/US00/30499. Rejections based on the newly cited reference(s) follow.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Schenk (4,085,937).

Schenk teaches an improved processing system for forming golf ball preforms, the system having an internal mixer (col. 6, lines 3-6) that compounds a batch of golf ball core stock, the internal mixer having a mixer outlet; a sheeter/mill (col 6, lines 15-20) that forms sheets of golf ball core stock, the sheeter having a sheeter inlet proximate the mixer outlet and having a sheeter outlet; a preform shaping means (col 6, lines 28-32) for forming golf ball preforms from the sheets of golf ball core stock, wherein the improved processing system eliminates the need for a two-roll mill; and an extruder that forms golf ball core preforms of a desired shape from the sheets of golf ball core stock (col 6, lines 28-32).

***Allowable Subject Matter***

4. Claims 2-7 and 9-11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5. The following is a statement of reasons for the indication of allowable subject matter: the prior art of record fails to teach or suggest a processing system wherein the sheeter includes either a) an extruder portion and a calendar portion, the extruder portion receiving the compounded golf ball core stock from the mixer outlet and having at least one screw that feeds the compounded golf ball core stock to the calendar portion, the calendar portion having a first roller and a second roller that is upwardly displaced from the first roller to define a nip point where the sheets of golf ball core stock are formed from the compounded golf ball core stock or b) an extruder portion and a die head portion, the extruder portion receiving the compounded golf ball core stock from the mixer outlet and having at least one screw that feeds the compounded golf ball core stock to the die head portion, the die head portion having at least one die and the compounded golf ball core stock being extruded through the at least one die to form golf ball preforms of a desired shape.

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**Examiner Notes**

6. The Examiner notes that claims would be allowable if rewritten in the manner of claims 2-7 and 9-11 as set forth in the amendment to the PCT/US00/30499 of March 1, 2001. The Examiner further notes that PCT/US00/30499 is a continuation of application 09/248,016 and this present application is a divisional of 09/248,016.

**Correspondence**

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Joseph S. Del Sole whose telephone number is (571) 272-1130. The examiner can normally be reached on Monday through Friday from 8:30 A.M. to 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ms. Wanda Walker, can be reached at (571) 272-1151. The official fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306 for both non-after finals and for after finals.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from the either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on the access to the Private PAIR system, contact the Electronic Business Center (EBC) at 886-217-9197 (toll-free).

*Joseph S. Del Sole*

J.S.D.

April 21, 2004

*[Signature]*  
ROBERT DAVIS  
PRIMARY EXAMINER  
GROUP 1300 / 2004

*4/28/04*